

House Engrossed

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

CHAPTER 6

# **HOUSE BILL 2001**

AN ACT

AMENDING SECTION 13-1425, ARIZONA REVISED STATUTES; RELATING TO SEXUAL  
OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1425, Arizona Revised Statutes, is amended to  
3 read:

4 13-1425. Unlawful distribution of images depicting states of  
5 nudity or specific sexual activities;  
6 classification: definitions

7 A. It is unlawful FOR A PERSON to intentionally disclose, ~~display,~~  
8 ~~distribute, publish, advertise or offer a photograph, videotape, film or~~  
9 ~~digital recording~~ AN IMAGE of another person in a state of nudity or engaged  
10 in specific sexual activities if the person knows or should have known that  
11 the depicted person has not consented to the disclosure. WHO IS IDENTIFIABLE  
12 FROM THE IMAGE ITSELF OR FROM INFORMATION DISPLAYED IN CONNECTION WITH THE  
13 IMAGE IF ALL OF THE FOLLOWING APPLY:

14 1. THE PERSON IN THE IMAGE IS DEPICTED IN A STATE OF NUDITY OR IS  
15 ENGAGED IN SPECIFIC SEXUAL ACTIVITIES.

16 2. THE DEPICTED PERSON HAS A REASONABLE EXPECTATION OF PRIVACY.  
17 EVIDENCE THAT A PERSON HAS SENT AN IMAGE TO ANOTHER PERSON USING AN  
18 ELECTRONIC DEVICE DOES NOT, ON ITS OWN, REMOVE THE PERSON'S REASONABLE  
19 EXPECTATION OF PRIVACY FOR THAT IMAGE.

20 3. THE IMAGE IS DISCLOSED WITH THE INTENT TO HARM, HARASS, INTIMIDATE,  
21 THREATEN OR COERCE THE DEPICTED PERSON.

22 B. This section does not apply to any of the following:

23 1. THE REPORTING OF UNLAWFUL CONDUCT.

24 ~~1. 2. Lawful and common practices of law enforcement, CRIMINAL~~  
25 ~~reporting, unlawful activity, or when permitted or required by law or rule in~~  
26 ~~legal proceedings OR MEDICAL TREATMENT.~~

27 ~~2. Lawful and common practices of medical treatment.~~

28 3. Images involving voluntary exposure in a public or commercial  
29 setting.

30 4. An interactive computer service, as defined in 47 United States  
31 Code section 230(f)(2), or an information service, as defined in 47 United  
32 States Code section 153, with regard to content WHOLLY provided by another  
33 person PARTY.

34 5. ANY DISCLOSURE THAT IS MADE WITH THE CONSENT OF THE PERSON WHO IS  
35 DEPICTED IN THE IMAGE.

36 C. A violation of this section is a class 5 felony, except that a  
37 violation of this section is a:

38 1. Class 4 felony if the ~~depicted person is recognizable~~ IMAGE IS  
39 DISCLOSED BY ELECTRONIC MEANS.

40 2. CLASS 1 MISDEMEANOR IF A PERSON THREATENS TO DISCLOSE BUT DOES NOT  
41 DISCLOSE AN IMAGE THAT IF DISCLOSED WOULD BE A VIOLATION OF THIS SECTION.

42 D. For the purposes of this section: ~~,"state of nudity" and~~

43 1. "DISCLOSE" MEANS DISPLAY, DISTRIBUTE, PUBLISH, ADVERTISE OR OFFER.

1           2. "DISCLOSED BY ELECTRONIC MEANS" MEANS DELIVERY TO AN E-MAIL  
2 ADDRESS, MOBILE DEVICE, TABLET OR OTHER ELECTRONIC DEVICE AND INCLUDES  
3 DISCLOSURE ON A WEBSITE.

4           3. "HARM" MEANS PHYSICAL INJURY, FINANCIAL INJURY OR SERIOUS EMOTIONAL  
5 DISTRESS.

6           4. "IMAGE" MEANS A PHOTOGRAPH, VIDEOTAPE, FILM OR DIGITAL RECORDING.

7           5. "REASONABLE EXPECTATION OF PRIVACY" MEANS THE PERSON EXHIBITS AN  
8 ACTUAL EXPECTATION OF PRIVACY AND THE EXPECTATION IS REASONABLE.

9           6. "Specific sexual activities" have HAS the same meanings MEANING  
10 prescribed in section 11-811, SUBSECTION D, PARAGRAPH 18, SUBDIVISIONS (a)  
11 AND (b).

12           7. "STATE OF NUDITY" HAS THE SAME MEANING PRESCRIBED IN SECTION  
13 11-811, SUBSECTION D, PARAGRAPH 14, SUBDIVISION (a).

14           Sec. 2. Applicability

15           A prosecution that is commenced before the effective date of this act  
16 and that charges a violation of section 13-1425, Arizona Revised Statutes, as  
17 added by Laws 2014, chapter 268, section 1, may only proceed if the alleged  
18 conduct constitutes prohibited conduct under section 13-1425, Arizona Revised  
19 Statutes, as amended by this act.

20           Sec. 3. Emergency

21           This act is an emergency measure that is necessary to preserve the  
22 public peace, health or safety and is operative immediately as provided by  
23 law.

PASSED BY THE HOUSE WITH EMERGENCY JANUARY 13, 2016.

PASSED BY THE SENATE WITH EMERGENCY MARCH 7, 2016.

APPROVED BY THE GOVERNOR MARCH 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 11, 2016.

Passed the House January 13, 2016

by the following vote: 58 Ayes,

0 Nays, 1 Not Voting  
w/ emergency 1 vacant  
Don M. Young

Speaker of the House

☐ Pro Tempore

Jim Drebe  
Chief Clerk of the House

Passed the Senate March 7, 2016

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting  
with emergency  
ASZ

President of the Senate

Susan Pearce  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

8th day of March, 2016

at 7:48 o'clock P. M.

Mista Brynmar  
Secretary to the Governor

Approved this 11th day of

March

at 2:16 o'clock P. M.

Janet Ivey  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 11 day of March, 2016

at 3:53 o'clock P. M.

Michelle Reagan  
Secretary of State

H.B. 2001